

CURRENT LEGISLATION THAT COULD AFFECT IMMIGRANTS IN MICHIGAN

Current as of 3/4/2009

Summary by:

Michigan Poverty Law Program – Michigan Immigrant Rights Project
Mirp.mplp.org

Farmworker Legal Services of Michigan
www.FarmworkerLaw.org

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STATE BILLS – 2009-2010 LEGISLATIVE SESSION

To view these bills:

- (1) Go to www.legislature.mi.gov, and then type the bill number (without the “HB” or “SB”) in the appropriate space under “Legislative Bill Search”, OR
- (2) For resolutions, select the appropriate category on the left-hand menu of the above webpage, and then follow the same procedure above

State bill summaries are grouped into the following categories, with enacted bills listed first in each section:

- **Health** – Page 1
- **Employment** – Page 1
- **Education** – Page 2
- **Immigration and State Programs Generally** – Page 3
- **Driver’s Licenses and State ID Cards** – Page 4

HEALTH

HB 4406 (House Bill 4406)

Bill Summary: This bill would add Hispanic ethnicity to the list of information that a physician’s report to the Department of Community Health must contain after performing an abortion.

Primary Sponsor: **John Espinoza** (Democrat – all of Sanilac County, part of St. Clair County including Port Huron)

Other Sponsors (1): **Joel Sheltrown** (D)

Bill Status:

2/24/2009: Introduced in Michigan House and referred to Committee on Health Policy

EMPLOYMENT

HB 4186 (House Bill 4186)

Bill Summary: This bill would make 3 main changes to the state’s workers compensation act.

(1) No compensation would be paid under the act for a worker’s injury or death if all of the following circumstances are present:

- The worker “is an undocumented alien who is not permitted to work in the United States under federal law.”
- The worker “presented fraudulent identification to the employer.”

- “The employer did not know and had no reason to believe that the employee was not permitted to work in the United States.”

(2) An employer would have an absolute defense against a suit alleging negligence or gross negligence for a worker’s injury or death if all of the following conditions are met:

- The worker “is an undocumented alien who is not permitted to work in the United States under federal law.”
- The worker “presented fraudulent identification to the employer.”
- “The employer did not know and had no reason to believe that the employee was not permitted to work in the United States.”

(3) The bill would also change the statute’s confidentiality provisions. An employee of the Michigan Workers’ Compensation Agency “who receives information indicating or giving reason to believe that a claim for benefits under this act has been filed by an undocumented alien shall immediately report that information to either the Federal Bureau of Investigation or the federal Immigration and Naturalization Service.”

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (26): Bill Rogers (R), Tom McMillin (R), Hugh Crawford (R), Paul Opsommer (R), Phillip Pavlov (R), Pete Lund (R), Kim Meltzer (R), Rick Jones (R), James Marleau (R), Gail Haines (R), Arlan Meekhof (R), Marty Knollenberg (R), James Bolger

(R), Sharon Tyler (R), Chuck Moss (R), Cindy Denby (R), Richard Ball (R), Paul Scott (R), Kevin Daley (R), Matt Lori (R), Kenneth Kurtz (R), Larry DeShazor (R), Brian Calley (R), Joe Haveman (R), Jim Stamas (R), John Walsh (R)

Bill Status:

2/5/2009: Introduced in Michigan House and referred to Committee on Judiciary

HB 4187 (House Bill 4187)

Bill Summary: As introduced, the bill would change existing Michigan law regarding the issuance of a marriage license by a county clerk. It would add the following phrase: “A license shall not be issued by the county clerk until the requirements of this section are complied with.”

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (23): Bill Rogers (R), Tom McMillin (R), Paul Opsommer (R), Phillip Pavlov (R), Pete Lund (R), Kim Meltzer (R), Rick Jones (R), James Marleau (R), Gail Haines (R), Arlan Meekhof (R), Chuck Moss (R), Cindy Denby (R), Richard Ball (R), Paul Scott (R), Matt Lori (R), Kevin Daley (R), Marty Knollenberg (R), Kenneth Kurtz (R), Larry DeShazor (R), Brian Calley (R), Joe Haveman (R), Tim Moore (R), John Walsh (R)

Bill Status:

2/5/2009: Introduced in Michigan House and referred to Committee on Judiciary

EDUCATION

HB 4188 (House Bill 4188)

Bill Summary:

The bill would prohibit the Michigan Higher Education Loan Authority from loaning money to any student who is not a U.S. citizen or a student described as eligible for assistance under the federal Higher Education Act (HEA), eligibility for which is found at 34 C.F.R. 668.33.

In addition, the Authority would have to create rules for establishing procedures for verifying the identity of each loan applicant and the citizenship or HEA eligibility of each loan applicant.

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville;

Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (25): Bill Rogers (R), Tom McMillin (R), Hugh Crawford (R), Paul Opsommer (R), Phillip Pavlov (R), Pete Lund (R), Kim Meltzer (R), Rick Jones (R), James Marleau (R), Gail Haines (R), Arlan Meekhof (R), Marty Knollenberg (R), Sharon Tyler (R), Chuck Moss (R), Cindy Denby (R), Richard Ball (R), Paul Scott (R), Kevin Daley (R), Matt Lori (R), Kenneth Kurtz (R), Larry DeShazor (R), Brian Calley (R), Tim Moore (R), John Walsh (R), Bob Genetski (R)

Bill Status:

2/5/2009: Introduced in Michigan House and referred to Committee on Judiciary

HB 4190 (House Bill 4190)

Bill Summary:

The bill would add an eligibility requirement for recipients of legislative merit award scholarships: the recipient would have to be a U.S. citizen or a student described as eligible for assistance under the federal Higher Education Act (HEA), eligibility for which is found at 34 C.F.R. 668.33.

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (22): Bill Rogers (R), Tom McMillin (R), Hugh Crawford (R), Paul Opsommer (R), Phillip Pavlov (R), Pete Lund (R), Kim Meltzer (R), Rick Jones (R), James Marleau (R), Gail Haines (R), Arlan Meekhof (R), Marty Knollenberg (R), James Bolger (R), Chuck Moss (R), Cindy Denby (R), Richard Ball (R), Kevin Daley (R), Matt Lori (R), Kenneth Kurtz (R), Brian Calley (R), Tim Moore (R), John Walsh (R)

Bill Status:

2/5/2009: Introduced in Michigan House and referred to Committee on Judiciary

IMMIGRATION; STATE PROGRAMS GENERALLY

HB 4044 (House Bill 4044)

Bill Summary: The bill would prohibit local units of government from enacting or enforcing any law, ordinance, policy, or rule that limits or prohibits a peace officer or local official, officer, or employee from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals.

The governmental unit would be required to provide written notice to each peace officer, official, officer, and employee within the governmental unit of his or her duty to cooperate with appropriate federal and state officials concerning the enforcement of federal and state immigration laws.

The bill states that a peace officer who has probable cause to believe that an individual under arrest is not legally present in the U.S. shall report that individual to the United States Immigration and Customs Enforcement.

If a local unit of government fails to comply with one or more sections of this act, the state treasurer shall accordingly withhold the total annual payment amount that the governmental unit received under the state revenue sharing act.

Primary Sponsor: Kim Meltzer (Republican - Macomb County: Macomb Township, Ray Township, part of Clinton Township)

Other Sponsors (6): Paul Opsommer (R), Pete Lund (R), Bill Rogers (R), Chuck Moss (R), David Agema (R), Marty Knollenberg (R)

Bill Status:

1/22/2009: Introduced in Michigan House and referred to Committee on Oversight & Investigations

2/26/2009: Motion to Discharge committee approved

2/26/2009: Referred to Committee on Judiciary

Bill Summary: The bill would amend the Corrections Code to state that the Department of Corrections may release a prisoner to the custody and control of the U.S. Immigration and Customs Enforcement if the Department receives an order of deportation for the prisoner from the federal authorities, and if the prisoner has served at least one-half of the sentence imposed by the court.

The above process would not apply to a prisoner serving a sentence for conviction of first or second degree homicide or criminal sexual conduct, or if the prisoner was convicted of a subsequent felony after previously being convicted of a prior felony.

Primary Sponsor: Alma Wheeler Smith (Democrat – Part of Washtenaw County: Augusta Township, Salem Township, Superior Township, Ypsilanti Township, and city of Ypsilanti.

Other Sponsors: None

Bill Status:

2/4/2009: Introduced in Michigan House and referred to Committee on Appropriations

HB 4179 (House Bill 4179)

Bill Summary: The bill would require the state auditor general to “review and conduct a study that estimates the cost of state payments made to illegal immigrants and the cost of state services used by illegal immigrants.”

The bill would also require the state auditor general to “review and conduct a study of all available state remedies to recover any money owing from the federal government to this state for the reimbursement of costs incurred by this state resulting from illegal immigration.”

The state auditor general would also be required to file a report to the Governor and the legislature that includes the findings and available remedies and recommendations as to how best to recover unpaid reimbursable costs. The report would also detail the

HB 4130 (House Bill 4130)

costs incurred by this state resulting from illegal immigration that are not reimbursable by the federal government.

Primary Sponsor: Paul Opsommer (Republican - Gratiot County, most of Clinton County)

Other Sponsors (10): Tom McMillin (R), Arlan Meekhof (R), David Agema (R), Rick Jones (R), Pete Lund (R), Kim Meltzer (R), Tom Pearce (R), Matt Lori (R), Cindy Denby (R), Marty Knollenberg (R)

Bill Status:

2/5/2009: Introduced in Michigan House and referred to Committee on Government Operations

HB 4500 (House Bill 4500)

Bill Summary: The bill would designate English as the official state language. The bill also provides: "Except as otherwise provided by law, a state agency is not required to provide documents, publish written materials, or provide website content in any language other than the official language of this state."

Primary Sponsor: Kenneth Kurtz (Republican – Branch and Hillsdale Counties)

Other Sponsors (8): David Agema (R), Marty Knollenberg (R), Paul Opsommer (R), Brian Calley (R), Bill Rogers (R), John Walsh (R), Kevin Daley (R), Phillip Pavlov (R)

Bill Status:

3/3/2009: Introduced in Michigan House and referred to Committee on Judiciary

DRIVER'S LICENSES AND STATE ID CARDS

HR 11 (House Resolution 11)

Bill Summary: The Resolution states that the Department of Homeland Security is requiring that states wanting to produce an enhanced driver's license to satisfy the Western Hemisphere Travel Initiative incorporate "unencrypted, long-range, radio-wave computer chip technology that allows for a unique citizen identification number that can be passively read through wallets, purses, doors, and cars without the owner's knowledge." The Resolution also expresses concern that "the driver license information of Michigan citizens would be shared with the governments of Canada and Mexico via the Security and Prosperity Partnership (SPP) and EDL agreements. However, how it would be shared is ambiguous and needs to be defined so that we can ensure that potential corruption in foreign bureaucracies does not result in identity theft or other security concerns for U.S. citizens. There is currently little congressional oversight of the SPP, again placing a single department's bureaucracy largely in charge of rules and regulations that significantly impact the states and their citizens" The Resolution urges the President, the Congress, and the Department of Homeland Security to "change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses" to address these concerns.

Primary Sponsor: Fred Miller (Democrat - part of Macomb County, including Mt. Clemens, part of Fraser, and part of Clinton Township)

Other Sponsors (21): Joan Bauer (D), Doug Bennett (D), Terry Brown (D), Bob Constan (D), Robert Dean (D), Fred Durhal (D), Lee Gonzales (D), Jennifer Haase (D), Richard Hammel (D), Goeff Hansen (R), Harold Haugh (D), Robert Jones (D), Gabe Leland (D), LaMar Lemmons (D), Lesia Liss (D), Gary McDowell (D), Paul Opsommer (R), Gino Polidori (D), Roy Schmidt (D), Alma Wheeler Smith (D), Rebekah Warren (D)

Resolution Status:

2/4/2009: Introduced in Michigan House and referred to Committee on Transportation

HCR 6 (House Concurrent Resolution 6)

Bill Summary: This Resolution is nearly identical to HR 11 (above).

Primary Sponsor: Paul Opsommer (Republican - Gratiot County, most of Clinton County)

Other Sponsors (0):

Resolution Status:

1/22/2009: Introduced in Michigan House and referred to Committee on Transportation